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10/723,161	11/26/2003	In-Gon Park	678-1297	9243

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EXAMINER

GELIN, JEAN ALLAND

ART UNIT	PAPER NUMBER
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2617

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01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/723,161

**Applicant(s)**

IN-GON PARK

**Examiner**

Jean A. Gelin

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the Applicant's arguments filed on December 26, 2006 in which claims 1-8 are currently pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lieu et al. (US Patent Number 6,628,508) in view of Akai et al. (US Patent Application Publication Number 2004/0204194-A 1) further in view of Butt (US 2002/0080610 A1).

Regarding claim 1, Lieu et al. discloses a portable communication apparatus (Figure 5), comprising: a) a main housing (100) having an upper surface provided with a first speaker device (110-Figure 1/234 - Figures 2, 4-5); b) a hinge axis (1-Figure 4) extending across the main housing (Figure 5); c) a fixed housing (338) affixed to a first peripheral portion (550) of the main housing and having an upper surface, the first peripheral portion being located at one side of the hinge axis; and d) a rotational housing (340) rotatable about the hinge axis, the rotational housing being in contact with the fixed housing while surrounding the first peripheral portion of the main housing when the rotational housing is closed on the fixed housing, the rotational housing being most distant from the fixed housing while surrounding a second peripheral portion (550) of the

main housing when the rotational housing is completely opened from the fixed housing, the rotational housing having a lower surface. See Figures 5-6D and columns 5-7.

However, Lieu et al. fails to specifically disclose second and third speaker devices provided on respective upper and lower surfaces, and an upper surface is provided with a camera lens as claimed.

In the same field of endeavor, Akai et al. discloses a portable communication apparatus (Figures 9) having second (left "speaker") and third (right "speaker") speaker devices (Figures 9(8)-9(9)) provided on respective upper (left) and lower (right) surfaces for the advantage of providing real stereo sound for services such as games and multimedia (MP3, TV, movies, inter alia) (paragraphs 0003-0005); and Akai et al. discloses wherein the upper surface is provided with camera lens (111 -Figures 1(1)-1(2); paragraphs 0026, 0030, 0037, 0062, 0069, 0088 of Akai et al.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al. portable communication apparatus with second and third speaker devices provided on respective upper and lower surfaces as claimed for the advantage of providing real stereo sound for services such as games and multimedia. And, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Lieu et al. and Akai's cellular telephone with camera lens for the advantage of taking pictures.

Lieu et al. and Akai et al. does not disclose a battery pack provided in the bottom of the apparatus and including a stylus that is insertable into and withdrawable from the battery pack in a longitudinal direction to the battery pack.

However, the preceding limitation is known in the art of communications. Butt teaches the stylus module assembly is inserted into the battery housing section, and an interchangeable stylus and pen inserted into the second or open end of the battery (paragraph [0035], [0037]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the technique of Butt within the system of Lieu and Akai in order to provide a stylus and laser pointer combination that is easily stored in the groove on the PDA wherein the stylus and the pen combination slidably fits within the second end of the battery, and the combination of stylus and pen inserted into the battery housing provides advantage to users.

Regarding claim 2, Lieu et al. in view of Akai et al. further in view of Butt disclose everything claimed as applied above (see claim 1). In addition, Lieu et al. discloses wherein the main housing has a display (228) and a lateral surface provided with at least one second key (252 - Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, inter alia.

Regarding claim 3, Lieu in view of Akai further in view of Butt disclose everything claimed as applied above (see claim 2). In addition, Lieu et al. discloses wherein the fixed housing has at least one third key (548 / 550 - Figure 5; 252 / 236 - Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 6, lines 34-51; column 7, lines 7-13, inter alia.

Regarding claim 4, Lieu in view of Akai further in view of Butt discloses everything claimed as applied above (see claim 1). In addition, Lieu et al. discloses wherein the rotational housing has an upper surface provided with at least one fourth

key (548 / 550), and has a lower surface provided with at least one fifth key (252 - Figure 2). See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, inter alia. See column 2, lines 53-58; column 5, lines 7-49; column 7, lines 7-13, inter alia. Lieu et al. teaches the device can be, for example, a cellular telephone (column 1, lines 37-38), and the display can output images or video (column 3, lines 38-39).

Regarding claim 5, Lieu in view of Akai further in view of Butt discloses everything claimed as applied above (see claim 1). In addition, Lieu et al. discloses wherein the fixed housing comprises a fixed body and a pair of legs extending from at least two comers of the fixed body in one direction (the legs meet at hinge axis 1 - Figure 4; see the Figures cited above).

Regarding claim 6, Lieu in view of Akai further in view of Butt discloses everything claimed as applied above (see claim 1). In addition, Lieu et al. discloses wherein the rotational housing comprises: a rotational body (Figures 5-6D); a pair of legs extending from at least two comers of the rotational body in one direction, the pair of legs having an opening formed between them so as to accommodate the main housing, each of the legs having a curved portion (the legs meet at hinge axis 1 - Figure 4; see the Figures cited above); and a curved portion formed in the pair of legs, wherein a lower surface of the fixed housing is formed on a same line as a lower surface of the rotational housing (the legs meet at hinge axis 1; the curved portion is depicted e.g. in Figure 4; see the Figures cited above).

Regarding claim 7, Lieu in view of Akai further in view of Butt discloses everything claimed as applied above (see claim 2). In addition, Lieu et al. discloses

wherein the display is constructed as one unit for representing and inputting information (See Figure 5; column 5, lines 7-49).

Regarding claim 8, Lieu in view of Akai further in view of Butt discloses everything claimed as applied above (see claim 2). In addition, Lieu et al. discloses wherein the display has a center through which the hinge axis (1 - Figure 4) passes (see the Figures cited above; also columns 5-7).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

1. After a further search and thorough examination of the present application and in view of the applicant's arguments, claims 1-8 are found to be in condition of allowance.
2. The following is an examiner's statement of reasons for allowance: the cited prior arts teach the claims limitations for the reasons set forth in the applicant's arguments filed on 12/26/06, pages 2-3.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin  
January 18, 2008

JEAN GELIN  
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Jean Gelin". The signature is written in dark ink and is positioned below the printed name and title.